REVIEWS

HOLMES-LASKI LETTERS, 1916-1935. Edited by Mark DeWolfe Howe. Cambridge: Harvard University Press, 1953. 2 vols., pp. xvi, 1650. $12.50.

"Please keep on writing to me" are the last words Justice Holmes wrote to Harold Laski. This was in November of 1932, and Laski, "the best correspondent" Holmes said he ever had,[1] kept on writing until Holmes' death three years later. Seldom has an old man had a better correspondent. Seldom has a young man received better letters.

Their correspondence had started in 1916 when Felix Frankfurter brought the twenty-three year old Laski down to Beverly Farms to call on the then seventy-five year old Justice. It continued for the rest of Holmes' life, with Holmes dropping his end of it only when it became hard for him to write. That was when he was ninety-one, a few months after he had resigned from the Supreme Court. For these letters were all hand written. They were too intimate to be anything else. The correspondence is as near talk as writing can be. To read them is like sitting between the Justice and Laski listening, only you can't—perhaps you wouldn't—interrupt.

It would be a waste of good space to try to give an account of the Justice. The most distinguished judge this country can boast ("one of our greatest American philosophers," in the words of John Dewey), Holmes was New England to the marrow.

Harold Laski was the son of a wealthy orthodox Polish Jew in the cotton trade in Manchester, England. He was born and brought up in the Jewish quarter of the town, under the strict Mosaic code and ritual. When he was eighteen, he married Frida Kerry, who had broken with her family and was earning her own living by teaching physical education and lecturing on birth control and women's suffrage. Because she was a Gentile, Laski's father disowned him; in Harold's words to Holmes, he was "left to my own vicious views and a penniless career."[2] It was a wholly happy marriage, and an equally successful career. After a First at Oxford, he worked for a while on the Daily Herald under George Lansbury. When war broke out in 1914, he tried to enlist, but was rejected on medical grounds from all forms of service; and he and Frida went to McGill University where he had been offered a lectureship. The young couple had no money except his salary, at first $1,500, then $2,000. In 1916 he was appointed an instructor and tutor at Harvard, at even less; and at the same time he went to the Harvard Law School, which was where I got to know him. His daughter Diana was born that summer, and to pay the doctor he wrote for the *New Republic.*

1. II, p. 1272.
2. I, p. 290.

This same summer, Laski met the Justice. In July, Holmes wrote Pollock, "Did you know Harold Laski, an astonishing young Jew, whom Frankfurter brought over here the other day?"[3] Within the next three weeks, Holmes and Laski each wrote three letters to the other, and except for a few months in 1934 their correspondence continued every few weeks without a break for nearly twenty years.

Almost from the start, their letters disclose an affectionate intimacy. I can detect no difference in tone and complexion between those they exchanged in this summer of 1916 and those they were writing up to the end. To be sure, there was at first some adjustment. Early in 1917, Laski asked the Justice to note that he had "a front name."[4] But Holmes continued to address him as "Laski," with only very occasional lapses into "Dear lad," just as he and his old friend Pollock addressed each other by their last names. Laski always wrote to "My dear Justice."

There was also a brief period of flattery on Laski's part, which pleased Holmes, but of which he was at once aware. In his very first letter to Laski he wrote, "I wish I could remember the passage in Morley's letter in which he so charmingly puts the mixture of flattered vanity and genuine love for the young—it so exactly expressed my feelings."[5] And a few months later, in November, 1916, Holmes wrote, "The sinister thought has arisen in my mind whether you young fellows were ironically trying how much the old man could stand in the way of flattering things, but of course I rejected it."[6] Holmes was quite right to reject it. The adulation was an expression of affection as well as admiration, which Laski dropped as soon as he learned it was taken as such.

What was it that brought so close together two such dissimilar people, and kept them together? One reason is the fact that with Holmes "it could never occur to a younger man that he was not talking to one of his own age." This is the way an undergraduate at the University of Cambridge put it to Orlo Williams, Sir Frederick Pollock's son-in-law.[7] Laski put it this way, "I should have said that your influence on *les jeunes* came from the fact that you wholly lacked complacency about position which enabled you to argue on the basis of intellect and not of eminence."[8] I myself entirely agree. When I was in the Law School—it may have been in this same summer of 1916—I remember driving away from tea with the Justice, saying to myself, "You fool, you kept telling the Justice what the law was, and you were nearly damned fool enough to tap him on the knee when you were telling him."

3. 1 HOLMES-POLLOCK LETTERS 238 (Howe 1941).
4. I, p. 60.
5. I, p. 4.
6. I, p. 33.
7. Williams, Book Review, 119 NATIONAL REVIEW 177, 179 (1942) (HOLMES-POLLOCK LETTERS).
8. II, p. 906.

Another bond between these two was the fact that Harold Laski, in the happy phrase which he applied to Felix Frankfurter, had a "genius for intimate friendship."[9] Laski gave and craved affection. Still another bond was the fact that Laski was a gifted teacher and the Justice, to use a word that runs through his letters, liked to be "improved." Harvard lost a very great teacher when Laski went to the London School of Economics in 1920. The letters show how much Holmes enjoyed Laski's teaching him. "It is a great good fortune for an old fellow to have such intimacy with a young one, and your gifts have made it full of suggestion and instruction."[10]

But there was as much entertainment as there was instruction. Laski collected people, or rather people collected him. I defy anyone not to be interested in his accounts of his weekly dinners with Lord Haldane,[11] where he so often met Augustine Birrell, his week ends with H. G. Wells and with the Bernard Shaws, his long intimate conversations with Lord Morley, his dinners with the Asquiths, his talks with Bertrand Russell, and his anecdotes about his students, visiting scholars, and all the great. He knew James Barrie, Stanley Baldwin, Ramsay MacDonald, the Webbs, Lord Sankey, and all the leaders of the Labor Party, into which Laski was beginning to be drawn during the years of this correspondence. All of them contributed to his letters to the Justice. Some of their contributions are "improving." All of them are as amusing as any reader could wish.

All the more amusing, because Laski was given to romancing. Facts preened themselves in his telling. Justice Frankfurter speaks of it in his foreword.[12] Kingsley Martin refers to it in his recent memoir of Harold. "A foible," he called it, "as harmless in its result as it was brilliant and entertaining in its execution."[13] I heartily agree. It was not until the morning after an evening with Laski that I used to wonder whether my belief had not been keeping pace with my enjoyment. Likewise in these letters. The reader will occasionally hear Truth herself chuckling. Holmes was as aware of the romance, as he was of the flattery, and enjoyed both. "I hope some day," he wrote Laski, "in a flush of conscience you will confess to faking a little—*pour épater les bourgeois.*"[14]

In these letters Holmes and Laski shared the books they had been reading. Laski was as great a reader as he was teacher, reading a book, as Holmes said, "in a flash of gunpowder."[15] I don't know what Laski didn't read and report on, and advise the Justice either to read or not to read. He would skip from the most obscure pamphlet of 18th century France to the latest detective

9. I, p. 353.
10. I, p. 251.
11. II, p. 1092.
12. I, p. xv.
13. MARTIN, HAROLD LASKI 52 (1953).
14. I, p. 702.
15. I, p. 492.

story, treading both ancient and modern classics on the way. He ran tiddledies with literature.

Holmes' way of reading was different. "Happy the man who can take books leisurely, like a soaking rain, and not inquire too curiously for the amount of fertilizer they contain. It takes robust and staying power to get adequate pleasure out of even the greatness of the past. It takes other and richer gifts to find all the good there is in the second rate."[16] "Pleasure"? I'm not so sure that he did not mean "improvement." "How many big books I have read mainly to learn that I didn't believe them, because I was afraid to leave the fortress in the rear, although I was to find as I expected that the guns were wooden."[17] Holmes was too young minded to venerate the literature of the past. To him it was "a bore. When it is not so, it is because it is an object of present reflection and scientific study and the interest is in your thought about it, not in it. . . ."[18] Which is just what Pascal said about Montaigne. *"Ce n'est pas dans Montaigne, mais dans moi, que je trouve tout ce que j'y vois."* It was sound advice too. "I always say whether it be philosophy or law, or what you like, begin with the latest. The modern book starts from your *milieu,* emotional and intellectual, and of course, whatever they say, has enormous advantages also from the advance of science."[19] There is nothing musty or dusty about this correspondence, for all the erudition of both of them.

Let us see what they thought of the philosophers, the latest, the living philosophers.

Neither, it relieved me to find, understood all of Whitehead.[20] Laski reread some of *Science and the Modern World* "with even more admiration than before, but with a still complete inability to know what the chapters on God and Abstraction are about."[21] It seemed to Holmes "obscurely written . . . it did not change my view of the universe."[22]

Take Bergson. Neither had any regard for him. Holmes writes, "I read Bergson's *Creative Evolution* for the third time. The first time I felt as I did when I first saw an impressionist picture—the second time it was difficult and I was controversial. This time it read like a novel and I was through it in no time—I think he is churning the void to make cheese, but I think he is very stimulating—somewhat revealing and the author of rather a great world poem."[23]

They differed over Dewey. In 1925, Laski read John Dewey "whom I have been told to admire, but find unreadable."[24] Four years later, Laski reread

16. II, p. 1189.
17. II, p. 994.
18. I, p. 605.
19. I, p. 704.
20. II, pp. 1196, 1205.
21. II, p. 920.
22. II, p. 817.
23. I, p. 357.
24. I, p. 801.

Dewey's *Experience and Nature* and thought it "really important."[25] It may be that Laski was influenced by Holmes' opinion. For Holmes had gone all out for Dewey's *Experience and Nature*. Reading it first in 1926, he wrote Laski that it was "truly a great book . . . with all its defects of expression, he seems to me to hold more of existence in his hand and more honestly to see behind all the current philosophers than any book I can think of on such themes."[26] What would have pleased Dewey was Holmes' comparing him with Walt Whitman. "It is badly written in the sense that the style makes it more difficult than the thought—but even in the writing it gives me the feeling that Walt Whitman gives of the symphonic."[27] Three years later, he wrote Laski, "The chief event here latterly has been the flowering of the cherry trees around the Potomac basin and the magnolias everywhere—I should say second only to the four greatest things I have seen on earth. Next to that I will put having read John Dewey's *Experience and Nature* for the third time."[28] Three times in three years! In my copy, Holmes wrote "Closest to the cosmic wiggle."

In literature, they differed as often as they agreed. What strikes one hardest in Holmes as a literary critic, it seems to me, is the alternation of darkness with light. He thought little of Thoreau. "I can't see why they seem to take the author of *Walden* (I forget the name) so seriously,"[29] he wrote. Jane Austen bored him. "If I spoke the truth I *am afraid* that I should say (mind, I do not yet say it) that I found . . . [*Emma*] tedious twaddle."[30] Laski adored Jane, as appears again and again.

Here's one that Holmes liked and Laski didn't—Casanova's *Memoirs*. "C's book," he wrote Laski, "did me good at a critical moment—just when I had got out my *Common Law* and had some symptoms that for the moment I mistook for a funeral knell."[31] This had been in 1880, when Holmes was thirty-nine. I once told the Justice that I was reading the *Memoirs*. He turned abruptly on me. "A great mistake." Then a short and significant pause. "You should save them against the time when you are depressed and need them, as I did." Laski replied to Holmes, "I read him five or six years ago with delight."[32] But why? "He interested me as being . . . the obvious result of Rousseau's discovery of the fascination of egotism in literature."[33] Holmes' comment, in his next letter, was, "I fear that you don't care for Casanova—one of the best of books."[34]

25. II, p. 1155.
26. II, pp. 904-5.
27. II, p. 901.
28. II, p. 1144.
29. II, p. 1340.
30. II, p. 1172.
31. II, p. 1019.
32. II, p. 1025.
33. *Ibid.*
34. II, p. 1236.

Both were bored by Proust. To Laski, he was "small beer,"[35] "a third rate snob of no importance except as showing that third rate snobs would in self protection hail him as first rate;"[36] and he gave it up, "with relief" to read, of all things, George Sand, "with infinite delight."[37] Holmes was only more careful in his disinterest. To him, Proust was "out jamesing H. James in his rotation of nuances. I didn't read it with the care that it demands to do it justice . . . and so at the end I don't know whether to say that this was the thickest yet about the Evanescent or that it was the talk of a little snob unduly attentive to his life—which last would be inadequate and unjust."[38]

As for poetry, Holmes was almost in the dark, and knew it. He divided "mankind around the two poles of emotion and thought—the poets at one end and the philosophers at the other."[39] "I don't like Goethe. . . . Perhaps at bottom it is that he is on the side of the poets and I prefer the philosophers. Goethe could not explain and so he said theory was gray."[40] As Holmes said, he and Laski were both "ideasts rather than thingsters."[41]

The only mention of Housman is by Laski, and his only reaction was to read Ovid. Moreover, he misspells the name, "Houseman."[42] I find no mention by either of Yeats, nor of Robinson, nor Millay, nor Frost. They think nothing of Eliot. I was surprised too by no mention, indeed, of Emily Dickinson. Neither speaks of Rilke, and Laski mentions Rimbaud only because Gide knew him and Laski had met Gide. But take Keats. Holmes writes, "I don't know when I read [*Endymion*] . . . before the other day."[43] The fact is, he had read it in 1883. He was reminded of it when Mrs. Holmes was reading Amy Lowell's life of Keats aloud to him while he played solitaire, and he writes that it "struck me as what Little Abbott (who was killed in our regiment) used to call cocktalk. Keats needed to let off a little of his energy into a woman."[44]

I said, almost in the dark. Shakespeare, of course; and yet see how Holmes summed Shakespeare up: "Words that sing to our ears perhaps more than Homer's and almost as much as Dante's. . . . The mystery of the universe—how it feels to be a king, and singing words—if I were to sum up the bard in a sentence I think that would be it."[45] Perhaps here is Holmes' only interest in poetry. To him it was little or nothing more than "singing words." "Sounds vanish," he wrote my mother, "but sound is the secret of immortal-

35. I, p. 480.
36. I, pp. 619-20.
37. II, p. 1074.
38. I, p. 312.
39. I, p. 533.
40. I, p. 593.
41. I, p. 194.
42. I, p. 740.
43. I, p. 663.
44. I, p. 712.
45. I, p. 165.

ity." No one can forget hearing Holmes read aloud Whitman. The one I remember is, "Out of the cradle endlessly rocking." It is curious, this dark space in the heaven of Holmes' appreciation of life, specially curious in one who compared his favorite philosopher with Walt Whitman.

Turn from the darkness to light. There is illumination for us in what Holmes liked. Take what he liked best. "I am inclined to say that the greatest literary sensation I ever had was in reading Dante (with a translation along side)—in spite of all that I disbelieve, smile at or abhor."[46] There's an example for you of Coleridge's "willing suspension of belief!" And twice he tells Laski that "the biggest thing in antiquity is 'Father forgive them—they know not what they do.' "[47] It "beats all the classics."[48] There is no doubt that Holmes' admiration here is as literary as it was for Dante. What he admired was Jesus' "skeptic tolerance"[49] in "the most dramatic of settings."[50]

I don't think there is anything new in this correspondence about Holmes' own philosophy, though here it is expressed as intimately, as vigorously, and as colloquially as he talked it. There is no possibility of giving a compendium of Holmes' philosophy, either here or elsewhere, for as he wrote to Laski, "All that any of the philosophers has to contribute is a small number of insights, that could be told in ten minutes."[51]

Holmes' metaphysic was severely astringent. He wrote Laski, "I see not the slightest reason for believing that our reason and our truth are cosmic ultimates or anything more than our own *flammantia moenia.*"[52] "Absolute truth is a mirage."[53] "When I say that a thing is true I only mean that I can't help believing it."[54] Holmes used to say that man is in the belly of the universe, not the universe in his belly, and that the first lesson he must learn is that he is not God. Holmes called himself a "bettabilitarian" as to the universe, "one who thinks you can bet about it but not know," as he explained to Pollock.[55] "I find the sequences bettable," he explained to my mother. And as a bettabilitarian he regarded the universe as "a spontaneity taking an irrational pleasure in a moment of rational sequence."[56]

It shows how different Laski's attitude was toward life, that he quite misunderstood what a *betta*bilitarian was. He spelt it "*better*bilitarian."[57] Laski's

46. II, p. 904.
47. I, p. 605.
48. II, p. 1061.
49. *Ibid.*
50. I, p. 605.
51. II, pp. 971-2.
52. I, p. 706. See also I, p. 541.
53. II, p. 1125.
54. II, p. 1124.
55. 2 HOLMES-POLLOCK LETTERS 22 (Howe ed. 1941).
56. I, p. 131. Same words to Pollock, 1 HOLMES-POLLOCK LETTERS 185 (Howe ed. 1941); 2 *id.* at 22.
57. See II, p. 1282 (emphasis added).

mistake was not only to the ear, for Holmes had spelt the word properly, in an earlier letter.[58] Laski knew too about Holmes' Society of the Jobbists, whose members, though they think they have been egotists, find on the Day of Judgment that they have been altruists.[59] As Holmes wrote Wu, the members "were free to be egotists or altruists on the usual Saturday half holiday provided they were neither while on the job. Their job is their contribution to the general welfare and when a man is on that, he will do it better the less he thinks either of himself or of his neighbors. . . ."[60]

It's not an easy society to join. Learned Hand is now the president, though once, in an address about Holmes, in an access of false modesty he would not admit that he was even a member. "The membership," Hand went on to say, "is not large, at least in America, for it is not regarded with favor, or even with confidence, by those who live in chronic moral exaltation, whom the ills of this world make ever restive, who must be always fretting for some cure. . . ."[61]

I cannot believe Laski was ever elected. "I read your article on Christian Socialism," Holmes wrote him, "with the pleasure I always get from your writing, but with a touch of regret at the tone that you hint from time to time that the existing order is wicked. The inevitable is not wicked. If you can improve upon it all right, but it is not necessary to damn the stem because you are the flower."[62] And nine years later, "I am the minion of you children of the upward and onward in my reading—though I am not an upward and onwarder."[63] Holmes would "improve" himself, the better to do his job, but he would not undertake to improve others. Their own improvement was part of their own jobs.

Holmes himself had been an upward and onwarder once, when he was in college. "In my day I was a pretty convinced abolitionist and was one of a little band intended to see Wendell Phillips through if there was a row after the meeting of the Anti-Slavery Society just before the war. How coolly one looks at that question now—but when I was a sophomore I didn't like the nigger minstrels because they seemed to belittle the race. I believe at that time even *Pickwick* seemed to me morally coarse. Now his nerves have grown firmer, as Mr. Browning says, and I fear you would shudder in your turn at the low level of some of my social beliefs."[64] "I am glad I encountered that sort of thing early as it taught me a lesson."[65]

58. I, p. 131.
59. I, p. 385.
60. *Letter to Wu dated March 26, 1925* in JUSTICE OLIVER WENDELL HOLMES: HIS BOOK NOTICES AND UNCOLLECTED LETTERS AND PAPERS 178 (Shriver ed. 1936).
61. THE SPIRIT OF LIBERTY: PAPERS AND ADDRESSES OF LEARNED HAND 62 (Dillard ed. 1952).
62. I, p. 385.
63. II, p. 1291.
64. II, p. 893.
65. II, p. 942.

It was the Civil War that taught Holmes that lesson, as his letters home show. Mark Howe edited them with the same clear-headed devotion that he has given these letters to Laski, and published them under the good title, *Touched with Fire.*

Only a few months after Holmes had graduated—in the Class of 1861—he got his first wound at Ball's Bluff. It took him very close to death. He wrote home from the hospital, "Whatever happens I am very happy in the conviction that I did my duty handsomely."[66] His letters to Laski show how memorable it was. One is dated, "October 22, 1922. Ball's Bluff 61 years ago, yesterday—."[67] His second wound was through the neck at Antietam, and another letter to Laski is dated, "Tomorrow is Antietam 62 years ago!"[68] This second wound was the occasion of his father's long hunt for the Captain, an account of which he published in the *Atlantic Monthly*, to Holmes' great annoyance then,[69] and since.

Three years of hard fighting turned the abolitionist into a soldier, and Holmes remained a soldier throughout the rest of the sixty and more years of his life. "I started in this thing a boy," he wrote his mother, in June of 1864, "I am now a man."[70]

The War had also given him a "Soldier's Faith," the title he gave to an address on Memorial Day thirty years later, in 1895, when he said:

"I do not know what is true. I do not know the meaning of the universe. But in the midst of doubt, in the collapse of creeds, there is one thing I do not doubt, that no man who lives in the same world with most of us can doubt, and that is that the faith is true and adorable which leads a soldier to throw away his life in obedience to a blindly accepted duty, in a cause which he little understands, in a plan of campaign of which he has no notion, under tactics of which he does not see the use."[71]

And twenty-odd years after that, in 1918, Holmes carried the same theme into philosophy. "That the universe has in it more than we understand, that the private soldiers have not been told the plan of campaign, or even that there is one . . . has no bearing on our conduct. We still shall fight—all of us because we want to live, some, at least, because we want to realize our spontaneity and prove our powers, for the joy of it, and we may leave to the unknown the supposed final valuation of that which in any event has value to us."[72]

This soldier's philosophy is "open eyed and does not wince," as Learned Hand said.[73] "I don't believe," Holmes wrote Laski, "in the infinite impor-

66. TOUCHED WITH FIRE: CIVIL WAR LETTERS AND DIARY OF OLIVER WENDELL HOLMES JR., 1861-1864 p. 18 (Howe ed. 1946).

67. I, p. 456.

68. I, p. 658.

69. See TOUCHED WITH FIRE, *op. cit. supra* note 66, at 67.

70. *Id.* at 142.

71. HOLMES, SPEECHES 59 (1934).

72. HOLMES, COLLECTED LEGAL PAPERS 315-16 (1920).

73. THE SPIRIT OF LIBERTY, *op. cit. supra* note 61, at 63.

tance of man—I see no reason to believe that a shudder could go through the sky if the whole ant heap were kerosened."[74] Nor need we now, when we hold the kerosene can in our hand.

This is a correspondence between two men, one of them old and yet young, the other young and yet mature, and neither dominates nor alters the other. Much of its interest lies in their unaltered differences. To me the most profound springs from this soldier's faith of Holmes.

When Laski sent Holmes his book on Communism, Holmes found it "deeply interesting, interesting not only in itself but in suggesting the rationale of the differences between us. The deepest no doubt turn on what we like, as to which argument is useless—but there are also differences in theory. I have no respect for the passion for equality, which seems to me merely idealizing envy—I don't disparage envy but I don't accept it as legitimately my master. . . . Some kind of despotism is at the bottom of the seeking for change. I don't care to boss my neighbors and to require them to want something different from what they do—even when, as frequently, I think their wishes more or less suicidal."[75]

Laski's answer to this is that he "enjoyed every word of it. I add that it is at bottom the economics of the soldier who accepts a rough equation between isness and oughtness. I see no validity in such a creed except upon principles I would deny at the stake."[76] And Holmes replies, "You put well a philosophic rather than economic difference between us. I do accept 'a rough equation between isness and oughtness,' or rather I don't know anything about oughtness except Cromwell's—a few poor gentlemen have put their lives upon it. You respect the rights of man—I don't, except those things a given crowd will fight for—which vary from religion to the price of a glass of beer. I also would fight for some things—but instead of saying that they ought to be I merely say they are part of the world that I like—or should like."[77] Then Holmes goes on to refer to the fact that he once was an abolitionist. He concludes the letter, with the deep difference between them, "Well—fire away my lad—I wish that we didn't diverge as much as we seem to—but I am afraid that I am no less convinced than you. Everyone thinks that he can account for the opposite convictions of his neighbor."[78]

This is a review of a correspondence that ran to 1481 pages and had to be bound in two volumes. Mark Howe has edited it with the ease which only devotion and scholarship combined can give to the handling of a difficult matter. He has given us an index which is a cicerone. He has told us, in a biographical appendix, all anyone could want to know about the multitude of persons and subjects on whom these two gave each other, and now us, what

74. I, p. 351.
75. II, p. 942.
76. II, p. 943.
77. II, p. 948.
78. II, p. 949.

they thought. Each of the personages is briefly sketched. Sometimes our editor has not been as impersonal or impassive as an editor should be, but rather as his readers want him to be. I have a single fault to find with these biographical sketches. I don't think either Brooks or Henry Adams, nor any other Adams coming from Quincy, would admit that "he was as distinctively *a Bostonian* . . . as his better-known brother Henry. . . ."[79]

Holmes begged Laski, *"Please* keep on writing to me."[80] There'll be no need to beg you to keep on reading. Your eye may move quickly through Harold's book buying, and, if you are not a lawyer, you may even skip some of Holmes. But be careful. You are constantly running the risk of leaving behind you a sentence or a phrase which you'd have carried round with you and tried to make your own.

CHARLES P. CURTIS†

THE TAMING OF THE NATIONS. By F. S. C. Northrop. New York: The Macmillan Company, 1952. Pp. xii, 362. $5.00.

LIKE many other people, Professor Northrop is intensely concerned with the problem of international peace and dissatisfied with the state of our knowledge for solving it. It is not enough, he says, that international politics is a speculative program and an art; it must become a science. He despises the statesmen, the professors of international relations, and the historians who believe that domestic politics, national self-interest, or national ideals are the decisive factors in the relations between states. Ignoring their arguments, he states his own belief that the rule of law must be extended to the whole world if an enduring peace is to be established.

The main body of the book is concerned with showing the path by which this aim can be reached. Stimulated by the legal theory of Eugen Ehrlich,[1] Professor Northrop's argument is this: Positive law—legal constitutions, statutes, charters and codes, and the institutions and organizations created to apply and enforce them—is effective only when it corresponds to the living law, that is, the community habits, norms, and beliefs of the people of a given society. It is therefore useless to foist upon the world an artificially-created positive legal order which does not rest upon an underlying living law common to all mankind, for its terms would be meaningless or would have different meaning to different nations. In order to create a science of international politics in the absence of a living law common to all mankind, it is necessary to discover and describe the "ideological normative factors"[2] which determine

79. II, p. 1485 (emphasis added).

80. II, p. 1421.

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1. EHRLICH, FUNDAMENTAL PRINCIPLES OF THE SOCIOLOGY OF LAW (1936).

2. P. 5.